

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH

THOMPSON *at*

CHILCOTT *me*

DRISCOLL *red*

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner Carlotta  
Grandstaff, Commissioner Jim Rokosch, Commissioner Greg Chilcott, Commissioner  
Alan Thompson, and Commissioner Kathleen Driscoll.

Date..... June 9, 2008

Minutes: Glenda Wiles

► The Board met for various administrative matters as follows:

- **Commissioner Rokosch made a motion to approve the May 13, 2008 and May 15, 2008 minutes. Commissioner Chilcott seconded the motion and all voted "aye".**
- Ravalli County Economic Development Director Julie Foster and City of Hamilton Planning Director Dennis Stranger met with the Board to discuss the possibility of developing a Tax Increment Finance District off Old Corvallis Road, which would include Black Lane and businesses such as GSK and the Council on Aging. Dennis stated these are difficult districts to create and it has been suggested that a feasibility study be done by Judy Cornish of Helena. It is estimated this feasibility study would cost approximately \$10-\$15,000.00. Julie stated these documents (from the study) could then be utilized for the grant process RCEDA is involved in with CDBG funds. Dennis stated he has not talked to the City about this but hopes they would be willing to enter into an agreement with the County and pay for half of this feasibility study. The study would help in the zoning and business development and capture any fees associated with the new buildings at GSK. Dennis stated the taxes generated from the district would be utilized in order to develop the infrastructure, which can include the road. Dennis stated there are different kinds of taxing districts. Butte, Montana has done quite a bit of these taxing districts. He asked the County to pledge \$5,000 and he would ask the City to do the same. Commissioner Chilcott stated for the County to invest money in their tax base is a good idea, but he questions the need to invest in the City's tax base. Dennis stated this land belongs to both the City and County. Dennis stated even if the land is in the City, the

County does obtain some benefit, i.e., the value of the mill. Dennis stated the City has plans to annex GSK and the Council on Aging. Julie stated she has the CDBG planning grant partially written, and the sooner the County decides; the better for her. This planning grant could then be utilized for this taxing district. Since the County has a CDBG planning grant, they could shift this application on this particular planning grant through the City. Julie stated there would be not extra taxes within this district; it is simply reallocated to certain projects within that defined boundary. No decision was made at this time until Dennis ascertains if the City will pay for a share.

- The Board reviewed the proposed agreement for Emergency Substance Abuse Services between Ravalli County and the Western Montana Addiction Services. Civil Counsel Karen Mahar was present for this discussion as well as Administrative Assistant to the Sheriff, Wanda Lorea. Karen noted the service agreement is the same as last year with the increase of funds (from \$11,800 to \$13,000). She also noted when Skip Rosenthal was employed by the county, he tracked the monthly invoices. However Skip is now employed by Western Montana Addiction Services. Wanda stated since these monies come from the Sheriff's budget, and she would be willing to track these monies when they are requested for payment. Karen also noted her concern of making sure the work is being done since Jim Mason of the Western Montana Addiction Services is on leave at this time. It was agreed Wanda will track these invoices and services provided. She will contact Skip Rosenthal and ask him to prepare a new contract with her name as the contract person. **Commissioner Rokosch made a motion to approve this agreement when the for Emergency Substance Abuse Services with Western Montana Addiction Services as Wanda Lorea as the contact person. Commissioner Chilcott seconded the motion and all voted "aye".**
- **Commissioner Chilcott made a motion to approve the Cooperative Law Enforcement Agreement between the Sheriff's Office, the County and DNRC for financial and Operating Plan. Commissioner Driscoll seconded the motion and all voted "aye".**
- The Board reviewed a letter from the Ravalli County Fire Council requesting the county pay \$40.00 for the annual dues payment for the Fire Warden. **Commissioner Chilcott made a motion to pay this \$40.00 dues if found appropriate by Karen within the Montana Statutes. Commissioner Driscoll seconded the motion and all voted "aye".**
- The Board reviewed the Montana Judicial Branch Safety and Security Funding Terms and Conditions for the Montana Supreme Court Office of Court Administrator. Discussion included the match monies from the county and labor and the grant process through which there is no grant administrator. This grant was submitted and approved on January 2, 2008, by the Ravalli County Commissioners. **Commissioner Rokosch made a motion to approve this Grant with the Office of Court Administrator in the amount of \$15,277.00 with the change in the contract noting Glenda Wiles as the Contact Person. Commissioner Driscoll seconded the motion and all voted "aye".**
- Glenda presented the Ravalli County DUI Task Force Plan July 1, 2008 through June 30, 2009 and Resolution No. 2273. **Commissioner Rokosch made a**

**motion to approve this plan and Resolution authorizing the funds to be deposited into the county by the state. Commissioner Driscoll seconded the motion and all voted "aye".**

**Minutes: Beth Perkins**

► The Board met with Animal Protection and Control Board for approval of a two year plan. Present were Peg Platt and Sue "Mac" Majors.

Mac gave an overview of the Pet Protection Project. She stated there are three components which are Ordinance, License Program, and Animal Control Officer. The goal is to have the program up and running by January 1<sup>st</sup> 2009. (See Attached)

Commissioner Rokosch stated the plan calls for two full-time Animal Control Officers. He asked Peg if one full-time Officer to start was considered. Peg replied they have considered the option of having one full-time Animal Control Officer however; their salary is based on grants and funds which have not been accounted for to date. She requested space for the Animal Control Officers in the Courthouse due to the liaison with the Sheriff's Office and County Attorney. Further discussion followed regarding space options for the Officers and a part-time secretary.

Commissioner Driscoll stated the Animal Protection and Control Board has done an excellent job with this plan.

Mac is working with RC&D to get the trucks needed for the Animal Control Officers. She asked about where to store them. She stated RC&D wants to know about the title for the trucks. Commissioner Chilcott replied the titles should be in the County's name. Board discussion followed regarding fuel issues and storage. Mac stated these questions do not have to be answered today. Peg stated the problem is getting the money from RC&D to the County for the employees, fuel, and insurance for the trucks. Peg questioned liability for Animal Protection and Control Board members driving the trucks on occasion. Commissioner Chilcott replied it would have to be looked into and advised from Civil Counsel.

Mac asked if the Board would determine the Animal Protection and Control Board as being non-profit or a county entity. Commissioner Driscoll stated she had spoken with the previous Administrative Director and the decision was to keep the Animal Protection and Control Board as a county entity.

Mac suggested having a board or committee to serve as supervisor for the three employees. Commissioner Chilcott stated the Sheriff's Office should be the supervisor of these employees due to several aspects like entering private property. He believes the Board of County Commissioners does not have the authority to grant permission to the Animal Control Officers to go forth and do their job. It will have to be investigated.

Commissioner Grandstaff requested Mac and Peg to create a list of questions that can be distributed between the new Human Resource Director and Civil Counsel.

Mac asked if they still have the Board's permission to move forward. Commissioner Grandstaff replied yes they do have permission to move forward with the plan.

Commissioner Rokosch asked about the grants pending for amounts and when they are to be funded. Mac replied because of some early problems, they are just now getting some in. The requests are just over \$50,000. She will have the answers by December 31<sup>st</sup>, 2008. Meeting adjourned.

► The Board met for a work session on the Draft B Zoning regulations.

► The Board met for a discussion with Planning on subdivision review criteria. Present were Civil Counsel Karen Mahar, Planner Renee Lemon, Planning Director Karen Hughes, and Planning Board member Ben Hillicoss and Board of Health member Roger DeHaan.

Commissioner Grandstaff called the meeting to order.

An agenda was provided by Renee. (See Attached)

Commissioner Grandstaff requested starting with 1A of the agenda: Discussion on directing the Planning Board and any other outside resources to draft changes to the Subdivision Regulations and develop adequate mitigation for review criteria.

Commissioner Driscoll asked if this is something that Planning feels comfortable with having the Planning Board draft the changes. Karen Hughes asked what scope the Board of County Commissioners is looking for identifying the tasks. Commissioner Rokosch suggested once the tasks are identified to then have them distributed accordingly to the Planning Board or others.

Ben stated they have talked about trying to look at the proposed definitions of the six criteria. He stated the current criteria leaves a lot open for interpretation. Commissioner Grandstaff agreed the definitions are vague. She is thinking of more definitive things such as road standards.

Karen Hughes stated Tim Davis at Smart Growth came up with a different way to look at the criteria. It is a double edged sword. He was trying to give it a numerical value. It is impossible to create the total framework to do the review within a numerical value system. In terms of reviewing subdivisions, she prefers Staff taking an assessment of long term not short term fixes. However, a quick fix by Staff standards might not be a quick fix by the Board of County Commissioners' standards. We are trying to get on the same page. There is an interest for change. She stated we need Staff input. Commissioner Chilcott stated no matter what, Staff should be involved. He stated they were hired for their expertise and they are professionals.

When we go into the regulations having lay people do them, we are going to run into more problems. He requested having them legally and professionally based.

Commissioner Rokosch stated he is struggling with the amount on the plate for Planning. Converting some of the identified tasks to other resources will lighten the load. Planning is stretched to the limit. He stated those resources are the Planning Board and others. The question is how to interface with them to get it moving. There is also the CTEP and MACo resource. There is a draft model subdivision effort.

Karen Hughes stated they are now re-opening for design and standard efforts on wildlife provisions. The process works well. She suggested waiting to see how they can use those resources before going further. Commissioner Thompson asked if deficiencies within the regulations have been identified. Karen Hughes replied the design and development standards are problematic and they are tweaking the regulations. This was put on the back burner because of zoning. Different people are doing different research and she would caution against taking a hap-hazard approach.

Commissioner Grandstaff asked when the State revisions are expected to be done. Karen Hughes replied she does not know. She is assuming CTAP is heading it up. She stated Myra Shults did the last revision to the regulations.

Commissioner Rokosch suggested going through the criteria starting with mitigation and identifying some tasks that the Planning Board could help with. Karen Hughes requested instead of tasking the Boards directly to let Staff coordinate the tasks and then distribute them accordingly. Commissioner Grandstaff agreed. Commissioner Rokosch stated his point is to not let the tasks sit there without direction. He would like to keep Planning Staff involved without adding more work.

Karen Hughes stated they were going to do an assessment of the scope of work needed for the changes to the subdivision regulations. There maybe other things that could be assigned to the Planning Board. Commissioner Rokosch stated the last planning update did not even touch on subdivision review. There is a lot of work to do and the wheels need to keep turning. Karen Hughes suggested developing a written assessment and timeline for the tasks. Commissioner Grandstaff commented it would work.

Commissioner Grandstaff moved on to 1B of the agenda. Renee stated she would recommend going to the Planning Board to develop bylaws and then come back to the Board of County Commissioners for approval. Karen Mahar stated there was some confusion as to the Planning Board's rules of practice. She sent an email to the commission department and outlined a few issues that could be added to the draft such as operation rules and rules of procedure. There were also some questions on voting and making motions. She stated Renee was working on developing draft bylaws.

Commissioner Rokosch asked if the Planning Board had worked on bylaws. Karen Hughes stated the old rules were focused on decision making not procedure. The Board discussed the use of "Roberts Rules of Order" to develop the bylaws.

Ben stated this is triggered by a new chairperson. The Planning Board does not have a clear understanding of the rules. Commissioner Grandstaff asked if the Board of County Commissioners could get some examples and a recommendation from the Planning Board. Renee replied yes, that is correct. She asked when it should be brought to Civil Counsel for review. Karen Mahar replied after the Planning Board's recommendation.

Commissioner Rokosch stated there are still some lingering questions that should be folded into the bylaws. Karen Mahar replied the current regulations specify what will or will not go into the bylaws.

Commissioner Rokosch stated subdivision review is not the only thing the Planning Board does. Karen Hughes stated the rule was to ask the Planning Board for their advice on subdivisions but they would decide which ones they would work on. Commissioner Rokosch stated the Board is comfortable that policy concurs with the current regulations. Karen replied it works fine. The concept of the Planning Board only taking written comment is a concern.

Renee discussed 2A of the agenda and stated the NRCS recommended not using the farmland of local importance classification in subdivision review. Commissioner Rokosch stated 50% of the valley is classified as soils of local importance. Commissioner Thompson stated the farm and ranch land protection was established to protect farmers and ranchers. He does not like the name of local importance. No other counties are currently using farmland of local importance in their subdivision review criteria. It was not established for any subdivision review but to benefit farmers and ranchers. He would like to see it under a different name. He suggested farmland D. He hates to do anything that negatively impacts farmers and ranchers. He would be willing to talk to the conservation districts to have it removed. Commissioner Rokosch stated we are talking about farmland of local importance. Commissioner Chilcott requested a point of order. Commissioner Rokosch stated this is a tool to leverage mitigation dollars. He thinks it is appropriate to use it. Commissioner Driscoll stated the Board can find a use for the land. Commissioner Grandstaff stated the fact that no other counties are using it is not a viable argument. We are trying to find as much information that we can. **Commissioner Chilcott, Commissioner Thompson and Commissioner Driscoll voted no - to not include soils of local importance in subdivision review criteria as recommended by NRCS. Commissioner Grandstaff and Commissioner Rokosch voted yes.**

Commissioner Driscoll stated she is in favor of 2B in the agenda. Renee stated it was recommended to create a subcommittee to determine what the threshold would be for a local plus farmland classification. Commissioner Chilcott stated it needs to be

weighed in by the Right to Farm and Ranch Board. **It was the Board's consensus to keep 2B for subdivision review criteria.**

The Board discussed the subcommittee make up. Commissioner Rokosch suggested having someone from Extension, Right to Farm and Ranch, Irrigation Districts, the Farm Bureau and the Conservation District including Planning. The Board concurred.

**2C & 2D** – Commissioner Rokosch stated in the NRCS presentation, it was not determined how many houses or developments were on the 30,000 acres of soil classified as prime or statewide importance. He requested to find out how much is out there that has not been converted. Commissioner Driscoll stated GIS would be able to determine that with mapping. Renee requested a format for the map. Commissioner Rokosch replied a map of soil classifications merged with houses and developments. **It was the Board's consensus to not use 2C.**

Commissioner Thompson stated it would be interesting in seeing where the development is at. The valley is listed as 20,000 acres of prime farmland if irrigated. What does "if irrigated" actually mean? You can have numbers of developments but it would be going back to statistics for the soil classifications. Commissioner Driscoll stated with those figures, it would make the next step mitigation.

Ben asked if the Board is considering if soils of importance are currently being used for agriculture or used for agriculture in the past. How do you consider timberland on steep slopes? Commissioner Chilcott replied timberland is not agriculture. They are two different classifications. Karen Hughes stated yes it is deemed agricultural for the soil classification. Commissioner Driscoll stated it would be a good thing to bring up for the subcommittee to investigate.

Commissioner Chilcott stated he is trying to figure out what they are going to do when they identify the "parking lot" sitting on prime farmland. The Board needs to identify what is on the ground that is not developed. Commissioner Rokosch stated what we are doing with 2C & 2D is to identify the soil and 2E is to place adequate mitigation for loss of the soil. Commissioner Chilcott stated his concern is one neighbor selling their property and the other wanting to sell and then be told they have to pay more because their neighbor's property is now more valuable. Commissioner Driscoll stated some of the loss is recouped. Like lumber mills.

Ben stated if you have property that is a pile of rocks, there should not be any impacts on agriculture or any loss. If you have a piece of property that is prime agricultural land, you should want to preserve it and keep it as functional agriculture. He stated the goal is to protect the prime farmland and keep it in use. The map would allow the determination of that. It is another way of looking at it. Renee stated it would not hurt to have a large scale map. It would be good information to have. Commissioner Rokosch stated it does put it into perspective the farmlands of importance. He suggested having the Planning Board weigh in on what constitutes adequate mitigation. He stated the Board needs some basis to mitigate the loss of prime soils.



He questioned the rationale developed for the mitigation of the loss of those soils. Commissioner Driscoll asked if Tischler-Bise could be used. Commissioner Chilcott stated no one in this room looks forward to losing good black dirt under houses or parking lots. His concern is the citizens who need to sell property to live. Who is going to make them financially whole? He understands wanting to look at cows but who is going to take care of Grandma and Grandpa?

Commissioner Grandstaff stated no one is saying citizens can't sell their land. Commissioner Thompson said if the Board puts so many restrictions on land, it is not going to help them.

Renee stated it would be great if GIS could do an emergency response analysis. Commissioner Thompson stated a map showing the soils would be important for the Open Lands Board to understand property they are trying to preserve and show prime farmland. The Board would have clear designation of prime farmland. If it just shows the acreage, it would be useless. **The Board was in consensus of using 2D.**

**2E** – Commissioner Chilcott stated there needs to be clarification of using mitigation to purchase agriculture land for agricultural purposes not riparian, etc. He has not seen the nexus.

Commissioner Grandstaff stated trying to negotiate fees not based on anything is impossible. We need a negotiation point based on something. Commissioner Rokosch stated some people may have wetlands and need the mitigation to keep it viable. The same way we talked about in an earlier session about gravel pits. It is another way to provide value. Commissioner Driscoll stated we need to keep it simple right now regarding the nexus. Karen Mahar stated there is not a law in Montana on how close the nexus has to be. She suggested coming up with a plan and then get a legal opinion.

Commissioner Chilcott stated he is a long way from a discussion determining what is adequate. How much is held by the title company, etc.? Commissioner Grandstaff stated it has been done in other counties. Agriculture is a huge business and is sure they have derived a formula to mitigate loss.

Ben stated two years ago they subdivided 20 acres of prime farmland. They passed it based on the removal of 6 feet of topsoil. If you look at mitigation, you don't want to permit the sale of topsoil. If you buy acreage of prime farmland, you should keep it farmland. Commissioner Grandstaff stated if you want to sell your topsoil, you need a permit from the state.

Commissioner Rokosch asked if the Board is in agreement with 2E and the Planning Board being the entity to take the lead. Commissioner Driscoll stated it is a discussion to have in the near future. Commissioner Grandstaff added the American Farmland trust may have some information. Who is going to pursue it? Ben agreed the Planning Board will look into it and make some recommendations. Karen Mahar



requested the chain of process for clarification. Renee replied Planning Staff will direct the Planning Board for recommendations on 2E and 2F. Commissioner Grandstaff requested review of number 3.

Renee started with reviewing the criteria on which Planning bases their finding of fact on the Effects of Agricultural Water User Facilities. (See Attached) She stated Planning Staff has paid close attention on the easement widths and have contacted the irrigation districts where there is one. Commissioner Rokosch commented on having the irrigation district signing off on the Master Irrigation Plan requirement listed on A9. Renee replied it is up to the irrigation district not the Board of County Commissioners. Commissioner Grandstaff stated the developer is not going to create a Master Plan without contacting the irrigation district. Roger stated relative to Environmental Health, it is important the irrigation practices in place when monitoring the water should stay in place.

Karen Mahar asked if that information is solicited when applying for permits. Roger replied Environmental Health will make note of it but that information does not always get transferred over to the permit. Roger gave an example of what could happen and used Burr Creek subdivision behind his home for an example. Karen Mahar asked if there is an irrigation plan, there should be a plan in place that should be consistent. Roger stated the Board of County Commissioners should approve the irrigation plan. Commissioner Rokosch replied the Board does not make that review. That is up to DEQ. Roger stated DEQ is providing a snapshot of the irrigation pipe and it is up to the Board of County Commissioners to determine what is happening. Discussion followed regarding the severing of water rights.

Commissioner Rokosch stated the Board should mitigate the irrigation plan for subdivisions. Karen Hughes stated the irrigation districts were not being asked to sign off on the plans and there is a reason. She will have to look it up. It was almost as if they did not want to be involved.

Commissioner Thompson asked should it be looked up under public health and safety. Roger stated they should mesh together. Commissioner Grandstaff stated under criteria two it does include seeps, flooding, washouts, obstructions and interference. Karen Mahar stated more information is needed on what the irrigation districts are or are not reviewing on the applications. Renee suggested sitting down with the representatives of the irrigation districts for their feedback. Karen Mahar stated she will check with the issue of how DEQ processes the monitoring as well as enforcement provisions. Commissioner Rokosch asked Roger when septic permits are done, can the assessments of the monitoring be changed to sway approval. Roger replied it happens. Commissioner Rokosch asked if the Board of County Commissioners can do something about enforcement. Karen Mahar replied she will investigate it. Renee suggested getting together with Environmental Health and Karen Mahar and then come back to the Board with the findings.

Renee continued with reading the criteria. Commissioner Rokosch asked if the option of severing water rights is considered. Renee replied most of the time they want to split the water rights. Commissioner Rokosch stated this is an area to look at more. Renee stated it is a question she cannot answer. Karen Hughes replied it should be for the Right to Farm and Ranch Board and the irrigation districts. Karen Mahar suggested having those groups addressing it on the legislative level also. Commissioner Grandstaff stated she has heard some discussion of changing it in the next legislative session. She discussed selling water rights to out of state entities and how it may be changed in legislation. Roger stated there is a story of one company having "shadow" entities buying rights. He believes the Weed District would be interested in severed water rights.

Karen Mahar asked on criteria E (Public Comments) if that was the proper time for Board of County Commissioners to forward any comments received. Renee replied yes, it is the time.

Commissioner Rokosch asked about the signing off of the irrigation plan by the irrigation districts. Renee suggested having a meeting with the irrigation districts for discussion and suggestions.

Roger stated in the last Right to Farm and Ranch Board meeting, they suggested setbacks for the irrigation ditches. Commissioner Rokosch replied if BRID is asking for 100 feet, he is sure other irrigation districts would have some requests and recommendations. He also suggested contacting the fire districts to begin discussion on the Effects on Local Services.

**It was the Board's consensus to continue this meeting until July 14<sup>th</sup> at 2:30 p.m. in order to further discuss the Effects on Local Services or number 4 of the agenda.**

**Meeting on the Subdivision Review Criteria  
Agenda for June 9, 2008  
2:30 p.m.**

Commissioners Meeting Room  
Administrative Building  
215 S. Fourth St., Hamilton, Montana

**1. Planning Board Issues**

- a) Discussion on directing the Planning Board and any other outside resources to draft changes to the Subdivision Regulations, and develop adequate mitigation for review criteria (Commissioner Grandstaff agenda request)
- b) Discussion on Planning Board bylaws

**2. Finish Discussion on Effects on Agriculture**

- a) Does the BCC agree that the local farmland classification should not be used in subdivision review, as advised by NRCS?
- b) Are the BCC interested in pursuing a local plus farmland classification for subdivision review?
- c) Are the BCC interested in having the NRCS identify slopes and composite soil chemical composition for all three categories of farmland soils (prime, statewide importance and local importance)? (Commissioner Grandstaff agenda request)
- d) Are the BCC interested in having the GIS Department identify developed and undeveloped land in all three categories of farmland soils? (Commissioner Grandstaff agenda request)
- e) Discussion on adequate mitigation for loss of farmland soils in all three soil categories
- f) Discussion on consistent application of mitigation

**3. Discussion on Effects on Agricultural Water User Facilities** (Please bring the Criteria 2 notes that were handed out at the last meeting. Extra copies will be provided if you lost the notes.)

**4. Schedule Discussion on Effects on Local Services**

- a) Monday, July 14<sup>th</sup> at 2:30 p.m.?
- b) Other departments or agencies that should be invited to this discussion?

**5. Meeting Adjourned**

**II. Effects on Agricultural Water User Facilities** *(Water availability to agricultural water users; facilities or facility users and potential conflicts with subdivision residents, including seeps, flooding, washouts, obstructions and interference, unintended uses (recreation and landscaping), access for maintenance, liability and risk of accidents involving trespassers; water right holders, including clarification of transfer/retention of water rights; and the placement and/or alteration of irrigation easements and ditches)*

**A. Required Application Items Related to Agricultural Water User Facilities**

1. Subdivision Application form. Pertinent information to agricultural water user facilities is the land use of adjoining parcels and irrigation information (whether or not there are ditches on or within 300 feet of the subdivision, whether or not there are existing irrigation easements, whether or not the property has water rights, whether or not the property is within irrigation district or association, the name of the water distribution provider, source drainage, amount of water rights, whether or not the water rights will be divided, whether or not any ditches will be altered).
2. Preliminary Plat. Locations of ditches on or within 300 feet of the subdivision, ponds, existing/proposed irrigation easements, existing/proposed irrigation facilities, and existing/proposed utilities (including water and sewer) are required to be shown on the plat. The locations of the lots, roads, building envelopes, and utilities in relation to irrigation facilities are reviewed.

Per the Ravalli County Subsurface Wastewater Treatment and Disposal Regulations, septic tanks are required to be setback 50 feet from irrigation ditches. Drainfields are required to be setback 100 feet from irrigation ditches. RCEH reviews projects to ensure these regulations are met.

3. Proposed covenants. Sometimes the applicant will propose provisions related to agricultural water user facilities to mitigate impacts.
4. Proposed easements. Due to recent concerns from the irrigation districts, we have been paying close attention to the proposed irrigation easement widths to ensure there is adequate space for ditch maintenance. It's also important to ensure that no structures or vegetation/trees are allowed within a certain distance of ditches. The proposed easements are required to meet Section 5-6-1 of the Ravalli County Subdivision Regulations (RCSR).
5. Documentation of existing water rights. The existing water rights and the plan for the water rights should be clearly documented. If there is a pond on the property, a water right may be required.
6. Vicinity Map. This can be useful in determining the locations and sources of onsite/offsite ditches.
7. Aerial photo. This can be useful in determining the locations and sources of onsite/offsite ditches.
8. List of downstream irrigation users of any irrigation infrastructure proposed to be relocated/altered.
9. Master irrigation plan. This includes both a map of the irrigation infrastructure and an irrigation agreement. If the property is located within an irrigation district, then approval from the district is required in lieu of the master irrigation plan.
10. Preliminary road plans. If any irrigation ditches need to be altered to road construction, the plans should be shown within the road plans.

11. Preliminary property owners' association documents. If the lots in the subdivision average less than 5 acres and the applicant is proposing to divide the rights among the lots, the applicants are required to transfer the rights to a single entity (such as a property owners' association) for use by the landowners. If the property is within an irrigation district, then the district acts as the single entity.
  12. Environmental assessment or summary of probable impacts. (Applicable sections of the environmental assessment are 1(a), 1(c)(i), 1(c)(ii), 3(a)(ii), and 3(a)(vi))
- B. Applicant's Proposed Mitigation of any Identified Impacts.
- C. Applicable Standards from the Ravalli County Subdivision Regulations:
1. Sections 5-6-1(a), (b), and (c) regarding irrigation easements
  2. Section 5-6-1(d) regarding the disposition of water rights
  3. Section 5-6-2 regarding the fencing requirement for supply ditches
- D. Agency Comments. (Note: The Right to Farm and Ranch Board has asked that we cease notifying them of subdivisions for now.) We rely on the irrigation districts to help us determine adequate irrigation easements. We rely on DNRC to ensure that the proposal meets state laws. The Planning Department has a list of water commissioners for decreed streams.
- E. Public Comments.
- F. Site Visit.
- G. Discussion with applicants and consultants about existing water rights and proposal if not clear in application.
- H. Any pertinent discussion at the Planning Board meeting. Sometimes the discussion at the Planning Board meeting will provide insight since there are several members involved with agriculture. We provide a draft staff report to the Planning Board so we can modify the findings before presenting the final to the Commissioners.
- I. Findings from another review criterion. Sometimes findings under another criterion will conflict with findings under Effects on Agricultural Water User Facilities. For example, there are usually wetlands and wildlife habitat associated with irrigation ditches. It's important to weigh the importance of irrigation facilities against potential wildlife habitat.
- J. Conditions in staff report and requirements of final plat approval regarding agricultural water user facilities include:
1. Notification of irrigation facilities and easements
  2. Notification that future lot owners do not have water rights
  3. Requirement that supply ditch fencing is maintained in covenants
  4. Requirement that drainfields are setback 100 feet and septic tanks are setback 50 feet from ditches per the RC Wastewater Regulations in covenants and shown on final plat
  5. Irrigation easements required to be shown on final plat

6. Requirement that applicants submit final irrigation plan/agreement, approval of the plan by the irrigation district, or evidence the water rights have been severed from the land.
7. Notarized statement of approval from each downstream user when irrigation facilities have been altered
8. Signed and notarized homeowners' association documents when the water rights have been transferred to a single entity
9. Evidence that required fencing along a supply ditch has been installed
10. Evidence that any required irrigation infrastructure has been installed